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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ANDREAS WINTER ET AL

REISSUE APPLICATION OF US PATENT 5,693,836 : EXAMINER: N. GONZALEZ

SERIAL NUMBER: 09/488,037 : ART UNIT: 1621

FILING DATE: JANUARY 19, 2000 :

ISSUED: DECEMBER 2, 1997 :

FOR: PROCESS FOR THE PREPARATION OF : BOX AF  
POLYOLEFINS

Asst. Commissioner for Patents And Trademarks

Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASST. COMMISSIONER FOR PATENTS AND TRADEMARKS, WASHINGTON D.C. 20231 ON THIS 20th DAY OF June 2001 BY: Court A. McPherson

REPLY BRIEF

In response to the Examiner's Answer mailed May 18, 2001, the applicants submit the following Reply Brief.

With respect to Group II, claim 3, applicants believe that the species in the present claim 3 is patentably distinct from the previous claim 3 of the revoked patent. Table 2 deals with polymerization results of rac:meso mixtures of different metallocenes. Examples 19 and 21 are according to the present claim 3. The other examples, (examples 17, 18, 20, 22 and 23), are directed to metallocenes which have been deleted from present claim 3.

The examples according to the present claim 3 show the highest activity, wherein example 21 is by far the best (having an activity over 334). Example 19 the activity was 114. In the examples 18, 20, 22 and 23 the activity ranged from only 61.4 to 102.3. The applicants believe that this proves that present claim 3 is patentably distinct from the whole group. For the above reasons the applicants believe that Group II is patentable.

It is also noted that BASSELL also owns the Karl patent. The Karl patent was owned by

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Amended

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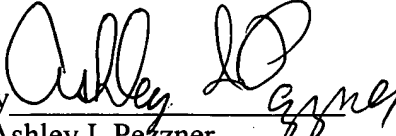
BASF. Targor GmbH was a joint venture between Hoechst and BASF. BASF then purchased Hoechst's portion of Targor GmbH and BASF fully owned Targor GmbH.. BASF and Shell formed a new company for all the olefin technology called BASELL. Both the above patent and the Karl patent are owned by BASELL.

No additional fees are due. If there are any additional fees due in connection with the filing of this response, including any fees required for an additional extension of time under 37 CFR 1.136, such an extension is requested and the Commissioner is authorized to charge or credit any overpayment to Deposit Account No. 03-2775.

For the reasons set forth above, Applicants believe that the claims are patentable over the references cited and applied by the Examiner and a prompt and favorable action is solicited. The applicants believe that these claims are in condition for allowance, however, if the Examiner disagrees, the applicants respectfully request that the Examiner telephone the undersigned at (302) 888-6270.

A prompt favorable action is earnestly solicited.

Respectfully submitted,  
CONNOLLY BOVE LODGE & HUTZ LLP

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